

IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 60/1998

1. Smt. Ricardina Emilia Guedes de Almeida de Silva Noronha
widow of Eurico de Silva Noronha
represented by power of Attorney
Shri Cristovam Pinto
r/o Alto Betim, Goa.
(since deceased) represented through legal heirs;
- 1a. Mr. Francisco Jose de Conceicao de Silva Noronha, son of the deceased,
- 1b. Maria Teresa da Silva Faria de Noronha,
wife of Mr. Francisco Jose de Conceicao de Silva Noronha,
Both residents of Macau at office address:
Ave. Alm Riveiro No. 1-1, MACAU.
- 1c. Mr. Fernando Victor Wolfango da Silva de Ataide e Teive de Noronha,
son of the deceased, divorcee,
residents of Lisbon, Portugal.
- 1d. Mrs. Maria Gabriela de Noronha Pereira de Costa, (Expired on 5.11.95),
daughter of the deceased.
 - 1da. Antonio Pereira da Costa
(Appellant No.4). (Deceased).
 - 1db. Maria da Conceisao de Noronha Pereira da Costa Vitorial Lopes,
daughter, husband or
 - 1dc. Jose Manuel Vitoria Lopes,
husband of Maria da Conceisao de Noronha Pereira da Costa Vitorial Lopes,

Both residents of Rua Antonio Stromp No.3,
r/c esq-Lisbon, Portugal.

1dd. Isabel Maria de Noronha Pereira da
Costa Silva, daughter,

1de. Antonio Jose Pereira da Silva,
husband of Isabel Maria de Noronha
Pereira da Costa Silva,

both residents of Rua Joao de Deus
Ramos No. 5,4 Esq. Lisboa, Portugal.

1df. Maria de Lourdes Noronha Pereira da
Costa Pereira, daughter,

1dg. Antonio Aguiar Ferreira,
husband of Maria de Lourdes Noronha
Pereira da Costa Ferreira,

Both residents of Rua Carlos Mardel
No. 11,1 Dto.-Lisboa, Portugal;

1dh. Francisco Antonio de Noronha Pereira
da Costa, son of the deceased,

1di. Maria Joao Ferriera Martins Franco
Lopes Pereira da Costa, wife of Francisco
Antonio de Noronha Pereira da Costa,

both residents of Rua Jacinto Nunes
No. 11, 2 Dto-Lisboa, Portugal;

1dj. Fernando Xavier de Noronha Pereira da
Costa, single, resident of Rua Joao
de Deus Ramos No.5,4 Esq. Lisboa, Portugal.

1e. Maria Alice da Silva de Noronha e Oliveira.
(appellant no.5) daughter of the deceased.

1f. Fernando Artur Peixoto de Oliveira,
husband of Maria Alice da Silva de

Noronha e oliveira,

Both residents of Rua Jacinto Nunes
No. 11,3, Esq. 1170, Lisbon, Portugal.

2. Shri Franciso Jose De Conceicao
De Silva Noronha,
represented by Power of Attorney
Shri Cristovam Pinto,
r/o Alto Betim, Goa.
3. Shri Fernando Victor Wolfango De Silva
De Ataide E Teive De Noronha
represented by Power of Attorney
Shri Cristovam Pinto,
r/o Alto Betim, Goa.
4. Shri Antonio Pereira De Costa
represented by power of Attorney
Shri Cristovam Pinto,
r/o Alto Betim, Goa.
5. Smt. Maria Alice Silva Noronha Oliveira
represented by Power of Attorney
Shri Cristovam Pinto,
r/o Alto Betim, Goa.
6. Shri Fernando Artur Peixoto Oliveira
represented by Power of Attorney
Shri Cristovam Pinto
r/o Alto Betim, Goa.

.... Appellants

Versus

Prof. Maria Elsa Noronha Wolfango
De Silva, (Since deceased)
w/o Dr. Fernando Bernardo
de Noronha Wolfango de Silva,
through Legal Heir
Shri Antonio Sequeira Coutinho Pereira
r/o Mayem, Bicholim, Goa.

.... Respondent

Mrs. A. A. Agni, Advocate for the appellants.

Mr. S. K. Kakodkar, Senior Advocate with Mr. J. D'Souza, Advocate for the respondent.

CORAM : P.V. KAKADE, J.

DATE : 10TH NOVEMBER, 2006.

ORAL JUDGMENT :

At the beginning of the matter, it was brought to my notice by the learned Senior Counsel for the respondent that the Supreme Court in Civil Appeal No.4128 of 2006 has issued directions that the Civil Court would dispose of Suit No.154 of 1993 as expeditiously as possible and preferably within a period of six months from the date of receipt of copy of the order. It further directed that the Court shall not grant any adjournment to the parties, save and except for sufficient and cogent reasons.

2. The present appeal is of the year 1998, against an order granting temporary injunction by the Civil Judge, Sr Division, Panaji. Neither of the parties are in a position to ascertain whether the process of recording of evidence has commenced or not, though the learned Counsel

for the appellants makes a statement that it has not yet commenced and if it is so, it is a serious matter and it is needless to mention that the Civil Court has no obligation to comply with the orders of the Apex Court by letter and spirit. It is a possibility that the lower Court has not received the copy of the order dated 14.9.2006, passed by the Apex Court. In that case, it would be the duty of this Court to make the lower Court aware of this situation and issue necessary directions to the lower Court to comply with the order of the Apex Court.

3. Learned Counsel for the appellants indeed wanted to advance her arguments on merits. In my considered view, no purpose would be served by adjudicating this appeal, on merits, at this stage, when, the suit itself, is to be finally adjudicated on merits, within six months from the month of September, 2006 and which would be disposed of within a short span of time. Therefore, I am inclined to issue necessary directions to the Civil Court to proceed with the matter.

4. It is directed that the Civil Judge, Sr. Division, Panaji shall dispose of the suit as per directions of the Apex Court, without granting any adjournment to the parties, save and except for sufficient and cogent reasons. This Court is not in a position to ascertain the stage of the suit.

However, it is for the Civil Court to fix the necessary dates by giving notice to the parties in that regard. The Civil Court shall also make monthly report of the progress of the suit to this Court regarding compliance of the order of the Apex Court. The learned Counsel for both the parties are advised to furnish the copy of the Apex Court Order to the Civil Court assuming that it has not received copy as yet.

5. With these directions, the appeal stands disposed of with no order as to costs.

P.V. KAKADE, J.

ssm.